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IX. RATING EMPLOYEES

1. Rating for Pedagogical and Non-Pedagogical Employees – General.

Q: Who am I responsible for evaluating?

A: You can evaluate any person working in your building including, but not limited to, all pedagogical staff, paraprofessionals, school aides, parent coordinators and custodians.

Q: Do all employees receive a formal rating sheet?

A: No. Only pedagogical employees and paraprofessionals receive formal rating sheets. This includes teachers, social workers, guidance counselors, psychologists, school secretaries and assistant principals.

Note: With respect to parent-coordinators, you must follow the concept or progressive discipline. Please consult the general guide at:

<http://www.nycenet.edu/offices/dhr/forms2/PARENTCOORDINATORhandbookdecember4revised.pdf>.

Q: How do I rate non-pedagogical employees?

A: There is no formal rating sheet for non-pedagogues (except custodians, see next question). You should evaluate such employees through file letters, which is discussed above.

Q: How do I rate custodians?

A: You rate a custodian twice per year in consultation with your plant manager.

2. Rating Teachers Unsatisfactory.

Q: What are the requirements for rating a teacher unsatisfactory?

A: The pedagogical rating sheet contains the factors of a rating, (e.g. personal and professional qualities, pupil guidance and instruction, classroom or shop management and participation in community activities). The teacher should receive this rating sheet along with the supporting documentation between 10 and 4 school days prior to the end of the school year, or whenever a teacher who has taught for 20 school days leaves your school.

Q: Can I change a rating from satisfactory to unsatisfactory if the teacher engages in misconduct after I rate him/her?

A: Yes. If you rate a teacher satisfactory and they subsequently commit some act of misconduct during the remainder of the rating period, you can, and where the misconduct is serious should, change the rating to unsatisfactory.

Q: Am I required to have a certain amount of documentation to sustain an unsatisfactory rating?

A: No. There is no particular amount of documentation required to sustain an unsatisfactory rating. For example, one particularly awful lesson could be sufficient to justify an unsatisfactory rating for the entire year. The same is true of one disciplinary letter, depending on the level of misconduct. Incidents involving danger to children can always support an unsatisfactory rating or termination.

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While you are required to conduct a certain number of observations each year, even if you do not conduct the requisite number of observations you may still rate an employee unsatisfactory.

Q: Can a teacher appeal an unsatisfactory rating?

A: Yes but only internally and not to a neutral arbitrator. The appeal of an unsatisfactory rating is heard at the Department's Office of Appeals and Review ("OAR"), which will issue an *advisory* recommendation regarding whether it should be sustained. The appeal hearing will include a presentation of file documents as well as testimony by the rating officer and/or others. The administration will have the ability to demonstrate that the file documents were representative of the teacher's entire performance through logs of professional assistance and other testimony by the administration (e.g. supervisors may testify as to facts underlying a letter or observation report that was removed from the files).

The Chancellor has the final say as to whether to reverse an unsatisfactory rating.

Q: What are the consequences of a teacher receiving an unsatisfactory rating?

A: An unsatisfactory rating has several potential adverse consequences including ineligibility for salary step increase (i.e. person cannot move up a salary step); inability to renew a temporary license; extinguishing the retention rights for regular substitutes; ineligibility for per session assignments that require satisfactory ratings in the postings; and the basis to proceed with termination.

Q: What are NOT consequences of receiving an unsatisfactory rating?

A: An unsatisfactory rating – or even three consecutive unsatisfactory ratings – will NOT result in the denial of tenure nor will it result in immediate dismissal of an employee.

- Termination of Probationary Pedagogical Employee: The CSD LIS in CSD schools must accompany an unsatisfactory rating with a discontinuance or denial of completion of probation letter.
- Tenured Employees: Charges are filed and section 3020-a hearings are commenced.
- Other Employees: Other employees must receive progressive discipline and proper notification with rating sheet. See Discussion below regarding termination, p. 40. **Note**: You cannot simply terminate parent-coordinators for poor ratings; you must follow the concept of progressive discipline.